

## **REMARKS**

Claims 1-19 remain pending in the present application as amended. Independent claims 1 and 16 have been amended, as has dependent claim 17. Claim 20 has been canceled. No claims have been added. No new matter has been added.

The Examiner has rejected claims 1-8, 10, and 15-18 under 35 USC § 102 as being anticipated by Ozer et al. (U.S. Patent Pub. No. 2003/0110171), and under 35 USC § 103 as being obvious over Hamilton (U.S. Patent No. 7,068,724) in view of Dutta (U.S. Patent Pub. No. 2002/0109729). Applicants respectfully traverse the Section 102 and 103 rejections.

Applicants have amended independent claims 1 and 16 in an effort to emphasize that the archived material is provided as a web page from a web site, and that the archived material is provided in response to a request for a text item from a requestor. As should be appreciated, the archived material is in the nature of an electronic version of a magazine article, where the article was initially published along with a first advertisement in the first form. After the passage of time, however, the first advertisement may have become stale, perhaps by referencing a past event or a product that is no longer being sold. More generally, the text item in the archived material / web page is packaged with a non-requested item such as an [older] advertisement, and the older advertisement is substituted with a newer advertisement, but only if it is determined that advertisement is substitutable. That is, there are instances where the advertisement is not substitutable, as for example may be indicated in metadata associated with the advertisement, and in such instances substitution is not performed.

Independent claim 1 as amended now recites a method for providing an archived material from a web site. A request is received from a requestor for a text item to be delivered as a web page from the web site. A first instance of the archived material is retrieved and comprises a plurality of items organized into a formatted text document, including the requested text item and an accompanying, non-requested text or non-text item.

It is determined that the one accompanying item is substitutable in that the accompanying item may be removed from the first instance of the archived material and

replaced by another accompanying item so as to generate a second instance of the archived material comprising a plurality of items organized into a formatted text document including the requested text item and the another accompanying item. That is, such substitution is not automatically allowed.

Presuming, however, that the substitution is indeed allowed, a new text or non-text item is selected as the another accompanying item according to at least one rule based on a geographical location associated with a requestor of the archived material. The second instance of the archived material is then generated by replacing the substitutable item in the first instance with the new item, and the generated second instance is delivered as a web page from the web site to the requestor.

Independent claim 16 recites subject matter similar to that of claim 1, albeit in the form of a system, and as amended more closely follows the language of claim 1 as amended.

As was previously pointed out, the Ozer reference discloses delivering targeted advertisements to individual recipients, where each recipient is at a television or other video-type receiver. Accordingly, the targeted advertisements are commercials or the like that are interspersed with video-type programming, or may be banner advertisements that may be displayed along with such video-type programming, as the Examiner has pointed out. Notably, however, the advertising is not received in response to a request from a requestor for a text item to be delivered as a web page from a web site, as is recited in claims 1 and 16. Instead, and as is the nature of commercials, the advertising is automatically delivered without any request from any requestor, and certainly not any request from a requestor for a text item to be delivered as a web page from a web site.

The Ozer reference makes reference to deleting and substituting stored advertising, but neither discloses nor suggests that such substituting is performed only if it is determined that such advertising is indeed substitutable in that such advertising may be removed and replaced by other advertising, as is also recited in claims 1 and 16. Although the Examiner suggests that such substituting is required to be determined, the Ozer reference in fact makes

no such determination and instead merely presumes that substituting is permitted automatically.

Accordingly, for all of the above reasons, Applicants respectfully submit that the cited Ozer reference does not disclose each and every feature recited in claims 1 and 16. Thus, Applicants respectfully submit that the Ozer reference cannot be applied to anticipate claims 1 or 16 or any claims depending therefrom, including claims 2-8, 10, 15, 17 and 18. As a result, Applicants respectfully request reconsideration and withdrawal of the Section 102 rejection.

Like the Ozer reference, and as was also previously pointed out, the Hamilton reference discloses delivering advertisements to recipients. In the Hamilton reference, however, the advertisements are ‘ad avails’ that are substituted for other advertisements mid-stream. Thus, it may be the case that a national broadcast of a video program has national commercials, but that a cable television provider receiving and forwarding the stream to a plurality of cable subscribers wishes to substitute local commercials for the national commercials prior to such forwarding. Nevertheless, and as with the Ozer reference, the Hamilton video program is not received in response to a request from a requestor for a text item to be delivered as a web page from a web site, as is recited in claims 1 and 16. Instead, and again, the Hamilton video program is automatically delivered without any request from any requestor, and certainly not any request for a text item to be delivered as a web page from a web site. Likewise, although the Hamilton reference substitutes one advertisement for another, such substituting is not disclosed or even suggested as being performed only if it is determined that such advertisement is indeed substitutable in that such advertisement may be removed and replaced by the other advertisement, as is also recited in claims 1 and 16.

The Dutta reference is cited by the Examine only for the purpose of disclosing the use of a web page with formatted text data. Thus the Dutta reference is otherwise inapposite and certainly does not disclose or even suggest the features missing from the Hamilton reference as set forth above.

Accordingly, Applicants respectfully submit that the combination of the cited Hamilton and Dutta references does not disclose or even suggest each and every feature recited in claims 1 and 16. Thus, Applicants respectfully submit that the Hamilton and Dutta references cannot be applied to make obvious claims 1 or 16 or any claims depending therefrom, including claims 2-8, 10, 15, 17, and 18. As a result, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection based on the Hamilton reference.

The Examiner has also rejected various of the dependent claims under Section 103 as being obvious over the Hamilton and Dutta references in view of Austin or Stefik. Applicants respectfully traverse these additional Section 103 rejections insofar as they may be applied to the claims as amended.

Applicants respectfully submit that inasmuch as claims 1 and 16 have been shown to be unanticipated and non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, at least by their dependencies. Thus, the combination of the Hamilton and Dutta references with any one of the other references cannot be applied to make obvious any of the dependent claims. As a result, Applicants respectfully request reconsideration and withdrawal of the additional Section 103 rejections.

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**PATENT**  
**REPLY FILED PURSUANT TO**  
**37 CFR § 1.116**

### **CONCLUSION**

In view of the foregoing Amendment and Remarks, Applicant respectfully submits that the present application is in condition for allowance and such action is respectfully requested.

Respectfully Submitted,

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